

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

COREY MUNFORD

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CRIMINAL ACTION NO. 15-376-7

M E M O R A N D U M

GENE E.K. PRATTER, J.

FEBRUARY 27, 2017

INTRODUCTION

Corey Munford is one of nine defendants¹ charged in a 12-count superceding indictment arising out of drug distribution and money laundering conspiracies existing between September 2009 and October 2015. Specifically, Mr. Munford is accused of conspiring to commit drug distribution transactions (Count I) and of conspiring to commit money laundering (Count XII). He denies both. For present purposes, however, Mr. Munford claims that the superceding indictment should be dismissed because it lacks the requisite specificity as to precisely what it is that Mr. Munford allegedly did, either as to conspiring in the drug distribution acts as alleged in Count I or as to laundering funds garnered in the course of the drug distribution activities as alleged in Count XII. Thus, he argues, he has not been provided adequate notice of the charges leveled against him. Failing that, Mr. Munford invokes F.R.Crim.P. 14(a) as he seeks to be tried separately from his alleged colleagues so that, presumably, he would not be painted with the broad

¹ At least two other individuals, identified by name, are referenced in the superceding indictment in this prosecution. In addition, the superceding indictment makes reference to the ubiquitous “others known and unknown” to the grand jury.

brush strokes he expects the prosecution to use in presenting the portrait of the proposed conspiracy and its cadre of other participants.

DISCUSSION

A. Sufficiency of Notice of Accusation

The Court concludes that the superceding indictment at issue here adequately puts Mr. Munford on notice of the factual and legal matters as to which he needs to prepare his defense.

Mr. Munford is pointedly accused in this superceding indictment of playing a particular coast-to-coast role in the alleged scenario. Specifically, in the superceding indictment, Mr. Munford's travels between the Eastern District of Pennsylvania and California for purposes of securing, paying for, and returning illicit drug products to Philadelphia for resale are alleged, including information about supposed dates, locations, other participants and quantities of drugs involved in the activities at issue.

Mr. Munford's alleged involvement in money laundering activities is likewise addressed in the superceding indictment, including his cross-country movement of funds, and his opening various bank accounts at different, specified banks in California and Philadelphia to be used by him and others in order to facilitate the illicit drug enterprise.

Read fairly, this superceding indictment more than adequately supplies Mr. Munford with "a plain, concise and definite written statement of the essential facts constituting the offense charged." F.R.Crim.P. 7(c). It delineates the elements of the charges leveled against Mr. Munford and presents more than enough information to have permitted him to enter a plea and for him to argue that he would not be at risk for a future prosecution for this specified conduct. See United States v. Resendiz-Ponce, 549 U.S. 102, 108 (2007).

B. Severance

Notwithstanding the decision to decline to dismiss the superceding indictment, the Court

has discretion to sever Mr. Munford from his co-defendants for trial. Mr. Munford urges the Court to do so because, he claims, the charges against him are more limited and (ironically, given his argument for dismissal) well-defined than those against the other defendants. He points out that a number of those other defendants are implicated in much more serious or extensive conduct than that in which Mr. Munford is supposedly involved. In short, Mr. Munford does not want to be considered in the “big leagues” with the other defendants.

The inclusion of Mr. Munford in this prosecution is not inconsistent with the letter or spirit of F.R.Crim.P. 8 which governs joinder of offenses and defendants. See United States v. Walker, 657 F.3d 160, 168-69 (3d Cir.2011); United States v. Irizarry, 341 F.3d 273, 287 (3d Cir. 2003). Given that Mr. Munford has not documented any spectre of prejudice that he would suffer by proceeding to trial as this case is presently configured, the Court concludes that the public interest in joint trials can and will be served here by doing so. United States v. Voight, 89 F.3d 1050, 1094 (3d Cir. 1996); United States v. Provenzano, 688 F.2d 194, 199 (3d Cir. 1982). In an abundance of caution, however, the Court is prepared to and will present pointed instruction(s) to the jury to admonish the jurors that certain of the evidence and argument pertains to less than all of the defendants.² See Zafiro v. United States, 506 U.S. 534, 539 (1993) (noting that “less drastic measures, such as limiting instructions, often will suffice to cure any risk of prejudice”). Weighing all the competing considerations, the Court determines that such a result fairly and fundamentally reflects an appropriate exercise of the Court’s discretion. United States v. Walker, 392 Fed. Appx. 919, 927 (3d Cir. 2010).

CONCLUSION

For the foregoing reasons, the Motion of Corey Munford to Dismiss the Superseding

² The Court invites counsel for Mr. Munford to propose language to be used for such limiting instructions. The Court also reminds counsel that the timing of such instructions can in large measure be synchronized in keeping with counsel’s timing in making a specific request of the Court during trial.

Indictment or in the Alternative to Sever is denied.

BY THE COURT:

/s/ Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge

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O R D E R

AND NOW, this 27th day of February, 2017, upon consideration of the Corey Munford's Motion to Dismiss Superceding Indictment, or in the Alternative to Sever (Doc. No. 232), and the Government's Response (Doc. No. 244), and following oral argument on January 5, 2017, **IT IS ORDERED** that the Motion is **DENIED**.

BY THE COURT:

/s/ Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge